

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS AND TRANSPORTATION**

00:00:01

**Call to Order:** By **CHAIRMAN GERALD PEASE**, on February 17, 2005 at  
3:00 P.M., in Room 102 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Gerald Pease, Chairman (D)  
Sen. Jerry W. Black (R)  
Sen. John Brueggeman (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Sam Kitzenberg (R)  
Sen. Jesse Laslovich (D)  
Sen. Frank Smith (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Dan Weinberg (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Peg Holwick, Committee Secretary  
Todd Everts, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 441, 2/14/2005; SB 459,  
2/14/2005; SB 465, 2/14/2005; SB  
423, 2/14/2005; SB 487 2/14/2005

Executive Action: SB 487, SB 459, SB 465, SB 423, SB  
441, SB 174

**HEARING ON SB 441**

00:00:36

**Opening Statement by Sponsor:**

**SEN. DAN HARRINGTON (D), SD 38**, opened the hearing on **SB 441**, Clarify "commercial vehicle" for landscapers.

**Proponents' Testimony:**

00:03:29           **Steve Wagner, Owner, Escapes Landscaping**  
00:18:12           **Leonard Lundby, Owner, Triangle Turf Farms**  
00:20:08           **Troy Smith, Owner, Arrowhead Reclamation and other**  
                      **small business**  
00:22:33           **Jay Wagner, on behalf of self**

**Opponents' Testimony:** None.

**Informational Testimony:**

00:23:55           **Dean Roberts, Administrator Motor Vehicle Division**  
00:25:56           **Jim Currie, Montana Department of Transportation**  
                      **(MDOT)**

00:27:25

**Questions from Committee Members and Responses:**

00:33:54

**Closing by Sponsor:**

**HEARING ON SB 459**

00:34:52

**Opening Statement by Sponsor:**

**SEN. JOSEPH (JOE) TROPILA (D), SD 13**, opened the hearing on **SB 459**, Transfer motor carrier safety assistance program from justice to transportation.

**Proponents' Testimony:**

00:41:04           **Drew Livesay, MDOT**  
00:41:49           **Mike Tooley, Deputy Chief, Montana Highway Patrol**  
00:42:57           **Spook Stang, Montana Motor Carriers Association**

**Opponents' Testimony:** None.

**Informational Testimony:**

00:44:05           Chris Phillips, Federal Motor Carrier Association

00:44:50

**Questions from Committee Members and Responses:**

00:46:10

**Closing by Sponsor:**

**HEARING ON SB 465**

00:47:31

**Opening Statement by Sponsor:**

SEN. JESSE LASLOVICH (D), SD 43, opened the hearing on SB 465, Standards for substances used to remove ice, snow on roads, streets.

[EXHIBIT](#)(his39a01)

**Proponents' Testimony:**

00:53:08           Spook Stang, Montana Motor Carriers Association

00:55:44           Jason Todhunter, Montana Logging Association

00:56:02           John Ostlund, Yellowstone County

00:56:19           Erik Griffin, Public Works, Lewis and Clark County

00:57:13           John Blacker, DOT

**Opponents' Testimony:** None.

**Informational Testimony:** None.

00:58:14

**Questions from Committee Members and Responses:**

01:03:27

**Closing by Sponsor:**

**HEARING ON SB 423**

01:03:53

**Opening Statement by Sponsor:**

SEN. JESSE LASLOVICH (D), SD 43, opened the hearing on SB 423, Revise ignition interlock laws.

**EXHIBIT**(his39a02)

**Proponents' Testimony:**

01:09:27           SEN. Jeff Mangan, on behalf of self and Owner,  
Rocky Mountain Interlock  
01:12:53           Brenda Nordland, Department of Justice

**Exhibit (1)**

01:15:56           Brenda Thompson, Department of Corrections

**Opponents' Testimony:** None.

**Informational Testimony:** None.

01:18:15

**Questions from Committee Members and Responses:**

01:20:25

**Closing by Sponsor:**

01:21:59           SEN. LASLOVICH assumed the chair

**HEARING ON SB 487**

01:21:59

**Opening Statement by Sponsor:**

SEN. GERALD PEASE (D), SD 21, opened the hearing on SB 487,  
Revise laws on school bus safety.

**EXHIBIT**(his39a03)

**EXHIBIT**(his39a04)

**Proponents' Testimony:**

01:23:25           Bud Williams, Office of Public Instruction  
01:24:22           Bob Gilbert, Montana School Bus Contractors  
Association  
01:26:47           George Smith, on behalf of self, Livingston School  
District  
01:28:16           Brenda Nordland, Department of Justice  
01:29:16           Mike Tooley, Deputy Chief, Montana Highway Patrol

**Opponents' Testimony:** None.

**Informational Testimony:** None.

01:30:22

Questions from Committee Members and Responses:

01:33:32

Closing by Sponsor:

EXECUTIVE ACTION ON SB 487

01:36:00

Motion: SEN. LASLOVICH moved that SB 487 DO PASS.

01:37:01

Discussion:

01:37:51 Clarification of amendments by Todd Everts

Motion/Vote: SEN. LASLOVICH moved that SB 487 BE AMENDED. Motion carried unanimously by voice vote. SEN. BRUEGGEMAN, SEN. COCCHIARELLA, and SEN. WEINBERG voted aye by proxy.

01:38:26

Motion/Vote: SEN. LASLOVICH moved that SB 487 DO PASS AS AMENDED. Motion carried unanimously by voice vote. SEN. BRUEGGEMAN, SEN. COCCHIARELLA, and SEN. WEINBERG voted aye by proxy.

EXECUTIVE ACTION ON SB 459

01:39:19

Motion: SEN. SMITH moved that SB 459 DO PASS.

01:39:53

Discussion:

Motion/Vote: SEN. SMITH moved that SB 459 DO PASS. Motion carried unanimously by voice vote. SEN. BRUEGGEMAN, SEN. COCCHIARELLA, and SEN. WEINBERG voted aye by proxy.

EXECUTIVE ACTION ON SB 465

01:40:31

Motion: SEN. BLACK moved that SB 465 DO PASS.

01:40:46

Discussion:

01:41:42

**Motion/Vote:** SEN. LASLOVICH moved that SB 465 BE AMENDED. Motion carried unanimously by voice vote. SEN. BRUEGGEMAN, SEN. COCCHIARELLA, and SEN. WEINBERG voted aye by proxy.

01:42:05

**Motion:** SEN. LASLOVICH moved a conceptual amendment to SB 465

01:43:27

**Discussion:**

01:45:33

**Vote:** Motion to accept conceptual amendment carried unanimously by voice vote. SEN. WEINBERG and SEN. COCCHIARELLA voted aye by proxy.

01:46:00

**Motion/Vote:** SEN. LASLOVICH moved that SB 465 DO PASS AS AMENDED. Motion carried unanimously by voice vote. SEN. WEINBERG and SEN. COCCHIARELLA voted aye by proxy.

**EXECUTIVE ACTION ON SB 423**

01:46:36

**Motion:** SEN. LASLOVICH moved that SB 423 DO PASS.

01:47:19

**Discussion:**

01:49:52

**Motion/Vote:** SEN. LASLOVICH moved that SB 423 DO PASS. Motion carried unanimously by voice vote. SEN. WEINBERG and SEN. COCCHIARELLA voted aye by proxy.

**EXECUTIVE ACTION ON SB 441**

01:50:40

**Motion:** SEN. LASLOVICH moved that SB 441 DO PASS.

01:51:00

**Discussion:**

01:51:10

**Substitute Motion/Vote:** SEN. BRUEGGEMAN made a substitute motion that SB 441 BE TABLED. Substitute motion carried unanimously by

voice vote. SEN. WEINBERG and SEN. COCCHIARELLA voted aye by proxy.

EXECUTIVE ACTION ON SB 174

01:53:13

Motion: SEN. KITZENBERG moved that SB 174 DO PASS.

01:53:33

Discussion:

01:57:46

Motion/Vote: SEN. KITZENBERG moved that SB 174 DO PASS. Motion carried unanimously by voice vote. SEN. WEINBERG and SEN. COCCHIARELLA voted aye by proxy.

01:58:26

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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SEN. GERALD PEASE, Chairman

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PEG HOLWICK, Secretary

GP/ph

Additional Exhibits:

**EXHIBIT ([his39aad0.PDF](#))**